

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:
FILE NUMBER:

Omaha District, South Dakota Regulatory Office
200430391

REGULATORY PROJECT MANAGER:

Jim Oehlerking

Date: 1/7/2005

PROJECT REVIEW/DETERMINATION COMPLETED:

In the office Y (Y/N)

Date: _____

At the project site Y (Y/N) **Date:** 12/14/2004

PROJECT LOCATION INFORMATION:

State:

South Dakota

County:

Beadle

Center coordinates of site by latitude & longitudinal coordinates:

Lat 44-28-15.1839 Long 98-22-8.1599

Approximate size of site/property (including uplands & in acres):

200 acres

Name of waterway or watershed:

wetland

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands									
Slough									
Prairie pothole	X			X					
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			x/2		
Is or would be used as habitat by other migratory birds that cross state lines?			x/2		
Is or would be used as habitat for endangered species?				x/2	
Is used to irrigate crops sold in interstate commerce?				x/2	

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION:

Preliminary ☐ Or Approved ☒.

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite): The project involves construction of two ponds which will impact a wetland of 6.26 acres in size and 0.9 acres respectively, the larger wetland being of seasonal in nature, and the smaller wetland on temporary in nature. Maps, NWI, NRCS photos, and other photos were utilized along with USGS Quad. maps, and hydro. data to determine that there is no surface hydraulic connection to a tributary of WoUS, and not valid ICC for these two wetlands. The larger wetland extends off of the property approximately 5 acres in size and 1.26 is within project area.